

REMARKS

The Examiner indicates, in the Office Action dated 10/08/2004, that Claims 26-48 are allowed. Applicants thank the Examiner for the indication of allowable subject matter.

Claims 60 and 63 have been canceled. Claims 1, 4, 13, 17, 21, 23, 40, 41, 46, 49, 55, 57, 62, and 64 have been amended. New dependent Claims 67-69 have been added. The amendments to the Claims find support in the application as filed on pages 18-24, FIGURE 6, and elsewhere. New Claims 67, 68, and 69 find support in the Claims as originally filed, at pages 18-19 in the specification as originally filed, and elsewhere. Claims 1-59, 61, 62, and 64-69 are now in the application. Reconsideration of the application is respectfully requested in light of the foregoing amendments and the following remarks.

Drawings

FIGURE 12, in the replacement drawing sheet labeled REPLACEMENT 13/13 illustrates an embodiment which was expressly taught in the application as filed. Namely, FIGURE 12 shows a guard embodiment of FIGURE 10 used with a cladded jamb assembly which was disclosed in the application as filed at page 17, lines 19-24, and elsewhere in the application as filed.

Objection to the Disclosure

The Examiner objected to the disclosure because there is no brief description of FIGURE 3A. Applicants herein correct the omission by amendment to the brief description.

The brief description is amended to recite that "FIGURES 3 and 3A show front elevations of doorways, implementing temporary door jamb assembly guard elements of the invention" which obviates the objection. Accordingly, Applicants respectfully request that the objection be withdrawn.

Applicants herein amend the disclosure in six other locations. Namely, pages 15, 17, 18, 22, 28, and 30 of the application as filed are herein amended. The amendments

are properly made for mere clarification purposes, and/or to correct typographical errors. The amendments are fully supported in the application as filed, and thus add no new matter to the present application.

The amendment to page 15 adds a brief description of the illustrated view provided by FIGURE 12.

The amendment to page 17 adds the phrase "for example, cladding "CL" (FIGURE 12)," and later the word "cladding" to a sentence which describes cladding. Namely, the sentence in the application as filed (prior to amendment) describes a cladded product, and in particular, a wooden substrate "cladded with e.g. aluminum or vinyl."

The amendment to page 18 adds the phrase "functions as a shock absorber" to a sentence which, as filed, describes the outer corner of the guard as providing a buffer zone, or "shock absorber" zone. Thus, the amendment to page 18 is supported by the sentence, and paragraph, in which the phrase is inserted, and elsewhere in the application as filed.

The amendment to page 22 inserts one sentence which describes the exemplary embodiment illustrated in FIGURE 6. The inserted sentence is fully supported by the paragraph in which it is inserted and elsewhere in the application as filed.

The amendment to page 28 corrects a typographical error, namely a letter capitalization omission, in the application as filed.

The amendment to page 30 adds the phrase "as a shock absorber" to a sentence which immediately thereafter states "to absorb." Thus, the amendment to page 30 finds support in the sentence, and paragraph, in which the phrase is inserted, and elsewhere in the application as filed.

Objection to the Claims

The Examiner advised that should Claim 62 be found allowable, Claim 63 will be objected to. Applicants herein cancel Claim 63, which obviates any such future objection.

Claims 4, 6-8, 14-16, 21, 24, 25, and 52 stand objected to as being dependent upon rejected base Claims, but would be allowable if rewritten in independent form. Applicants thank the Examiner for the indication of allowable subject matter.

The base Claims from which these “objected to” Claims depend, namely Claims 1, 17, and 49, are herein amended, are now allowable, and are thus no longer rejected base Claims, which obviates the objection. Thus, Claims 4, 6-8, 14-16, 21, 24, 25, and 52 are properly allowable Claims in dependent form, as each depends from an allowable Claim, as well as on their own merits.

Rejection of Claims under 35 U.S.C. § 102(b)

Claims 1-3, 5, 9, 11-13, 17-20, 22, 23, 49, 50, 53-59 and 61-66 stand rejected under 35 U.S.C. § 102(b) as unpatentable over Gerritsen (U.S. Pat. No. 5,508,323). Applicants respectfully traverse the rejection. However, in an effort of good faith to move the case to allowance, Applicants herein amend the independent Claims (and others), namely Claims 1, 17, 49, and 57 (and others), which obviates the rejections.

Turning now to the rejection of Claim 1, Applicants herein amend Claim 1 which obviates the rejection. Allowable amended Claim 1 now recites (in part):

...such door jamb assembly comprising a door jamb, and an outer trim element joined with such door jamb, such outer trim element and such door jamb defining an interior corner, such jamb assembly...

...said temporary door jamb assembly guard defining a shock absorber, an element of said shock absorber being adapted and configured to extend between such trim element and such door jamb and to be spaced from such interior corner.

Neither Gerritsen, nor any other reference of record, separate or combined, teach or suggest a shock absorber in any regard. Thus, Gerritsen, and all other references of record, separate or combined, especially fail to teach or suggest a shock absorber with an element of said shock absorber adapted and configured to extend between such trim

element and such door jamb and to be spaced from such interior corner. Accordingly, Applicants respectfully request that the rejection be withdrawn and that Claim 1 be allowed.

Claims 2, 3, 5, 9, 11, 12, and amended Claim 13 are allowable as depending, directly or indirectly, from allowable Claim 1 and on their own merits. As one example, Claim 2 further recites "wherein said guard is designed and configured to fit over and protect an outer trim element as part of such door jamb assembly" and Claim 9 further recites "said outer leg section comprising a separate cover tab element (92) adapted to cover an outer face (94) of a trim element of such door jamb assembly." None of these recitations are taught or suggested by Gerritsen or any other reference of record, separate or combined. Accordingly, withdrawal of the rejection to Claims 2, 3, 5, 9, 11, 12, and 13 is respectfully requested, as is the allowance of these Claims.

Turning now to the rejection of Claim 17, Applicants herein amend Claim 17 which obviates the rejection. Allowable amended Claim 17 now recites (in part):

...said temporary door jamb assembly guard defining a shock absorber, an element of said shock absorber being adapted and configured to extend between such trim element and such door jamb and to be spaced from such interior corner.

This amendment recitation is an analog of that in Claim 1 which is discussed above. Accordingly, the discussion of allowable Claim 1 is equally applicable with respect to allowable Claim 17. Thus, Applicants respectfully request that the rejection be withdrawn and that Claim 17 be allowed.

Claims 18, 19, 20, 22, and amended Claim 23 are allowable as depending, directly or indirectly, from allowable Claim 17, as well as on their own merits. As one example, Claim 19 further recites "wherein said guard is designed and configured to fit over and protect an outer trim element as part of such door jamb assembly." As another example, amended Claim 23 now recites "said element of said shock absorber comprising a transition section between said central section and said outer leg section." None of these recitations are taught or suggested by Gerritsen or any other reference of record, separate

or combined. Accordingly, Applicants respectfully request that the rejection to Claims 18, 19, 20, 22, and 23 be withdrawn and that Claims 8-20 and 22-23 be allowed.

Turning now to the rejection of Claim 49, Applicants herein amend Claim 49 which obviates the rejection. Allowable amended Claim 49 now recites (in part):

...said removable guard defining a shock absorber adjacent the joinder of the door jamb and the trim element, at least a portion of said shock absorber being spaced from such door jamb and such trim element, and protecting at least one of such door jamb and such trim element proximate such interior corner.

Neither Gerritsen, nor any other reference of record, separate or combined, teach or suggest a removable guard in any regard. Accordingly, Gerritsen, and all other references of record, separate or combined, especially fail to teach or suggest a door jamb assembly with a removable guard defining a shock absorber adjacent the joinder of the door jamb and the trim element, at least a portion of said shock absorber being spaced from such door jamb and such trim element, and protecting at least one of such door jamb and such trim element proximate such interior corner.

Gerritsen also teaches away from the invention claimed in Claim 49. Momentarily ignoring the fact that Gerritsen fails to teach or suggest a "guard" in any regard, and that Gerritsen instead teaches a cladding product, in stark contrast to the claimed invention, Gerritsen teaches securing his cladding product to the jamb member with several nails (column 4 line 8) and that his cladding product provides a maintenance free protective cover. Thus, contrary to the claimed invention, it is clear from the teaching of Gerritsen that, once installed, his cladding product is not "removable".

Certainly, the nails would leave unsightly "nail holes" visible if the cladding member is subsequently removed, defeating the aesthetic, decorative nature of the product which Gerritsen teaches to be highly desired (column 4 line 35). Applicants expressly assert that the product taught by Gerritsen is not a door jamb assembly "guard". Rather, the product

taught by Gerritsen is part of the door jamb assembly, itself, which the guards of this invention are effective to protect. Thus, Applicants respectfully request that the rejection to Claim 49 be withdrawn and that Claim 49 be allowed.

Claims 50, 53, 54, 56, and amended Claim 55 are allowable as depending, directly or indirectly, from allowable Claim 49, as well as on their own merits. As one example, amended Claim 55 now recites a "shock absorber comprising a transition section between said central section and said outer leg section" and Claim 56 recites a "guard comprising inner (36IN) and outer (36OUT) separate pieces, overlapping each other at said central section, and secured to each other," (FIGURE 11) neither of which is taught or suggested by Gerritsen nor any other reference of record, separate or combined. Accordingly, withdrawal of the rejection is respectfully requested, with corresponding allowance of Claims 50, 53, 54, 55, and 56.

Turning now to the rejection of Claim 57, Applicants herein amend Claim 57 which obviates the rejection. Allowable amended Claim 57 now recites (in part):

... a shock absorber which extends generally between the outer corners (54, 55), at least a portion of said shock absorber, between the outer corners, being spaced from such interior corner.

Again, neither Gerritsen nor any other reference of record, separate or combined, teach or suggest a shock absorber, and especially not a shock absorber which extends generally between the outer corners and wherein at least a portion of the shock absorber is spaced from the interior corner whereby the shock absorber can absorb, dissipate, and distribute impact forces received by the shock absorber. Applicants once again respectfully point out that Gerritsen teaches away from the claimed invention, namely removably installing the guard, by attachment of his product with permanent fasteners.

Claims 58, 59, 61, 66, and amended Claims 62, 63, and 64 are allowable as depending, directly or indirectly, from allowable Claim 57. As one example, amended Claim 64 now recites the shock absorber comprising a transition section between the

central section and the outer leg section such that the transition section protects a corner of a jamb, as well as a corner of a trim element. Claim 65 recites separating the guard into separate inner and outer pieces, at the central section, installing the inner and outer pieces on one of the jamb assembly elements, with elements of the central section overlapping each other over an inner facing surface of the respective jamb assembly element. These recitations are not taught or suggested by Gerritsen, or any other reference of record, separate or combined. Accordingly, Applicants request that the rejection be withdrawn and that Claims 58-59 and 61-66 be allowed.

Rejection of Claims under 35 U.S.C. § 102(a)

Claims 1-3, 5, 9-11, 13, 17-20, 22, 23, 49-51, 53-55, 57-60, 62-64, and 66 stand rejected under 35 U.S.C. § 102(a) as unpatentable over Rochman (Publication Number U.S. 2002/0046532). Applicants respectfully traverse the rejection. However, in an effort of good faith to move the case to allowance, and as previously mentioned, Applicants herein amend the independent Claims, namely Claims 1, 17, 49, and 57 (and others), which obviates the rejection.

Rochman, like Gerritsen discussed above, teaches a cladded product. Namely, Rochman teaches a "clad frame system for doors" (Para. [0002]), thus a door frame potentially in need of the temporary protection provided by the instant invention, namely the shock absorption and dissipation provided by the invention at times of elevated risk of damage

Accordingly, the comments regarding the allowability of independent Claims 1, 17, 49, and 57 in light of Gerritsen are equally applicable here, concerning the allowability of these Claims in light of Rochman. These arguments will not be repeated here. In addition, even if the rejections of Claims 1, 17, 49, and 57 were proper, and Applicants expressly assert that they are not, Applicants herein amend independent Claims 1, 17, 49, and 57 which nevertheless obviates the rejections. Accordingly, Applicants respectfully request that the rejections directed to independent Claims 1, 17, 49, and 57 be withdrawn in light of the above comments and further in light of the amendments to the respective Claims. Allowance of Claims 1, 17, 49, and 57 is respectfully requested.

Also by analogy to the above discussion of the rejections made in light of Gerritsen, the dependent Claims, which depend from allowable Claims 1, 17, 49, and 57, are each allowable as depending from an allowable Claim, directly or indirectly, as well as on their own merits. Thus, the above discussion of the allowability of the rejected, dependent, Claims (in light of Gerritsen) is equally applicable to the discussion, here, of the allowability of the dependent Claims in light of Rochman.

Namely, Claims 2, 3, 5, 9, 10, 11, and 13 are allowable over Rochman as depending, directly or indirectly, from allowable Claim 1, and on their own merits.

Claims 18, 19, 20, 22, and 23 are allowable over Rochman as depending, directly or indirectly, from allowable Claim 17, and on their own merits.

Claims 50, 51, 53, 54, 55, and 56 are allowable over Rochman as depending, directly or indirectly, from allowable Claim 49, and on their own merits.

Claims 58, 59, 61, 62, 63, 64, and 66 are allowable over Rochman as depending, directly or indirectly, from allowable Claim 57, and on their own merits.

No combination of Rochman and Gerritsen with each other, or with any other reference of record, cures the defects of Rochman or Gerritsen when taken alone. Accordingly, Applicants respectfully request that the rejections of Claims 1-3, 5, 9-13, 17-20, 2, 23, 49-51, and 53-66 be withdrawn, and that these Claims be allowed.

Turning now to "new Claims" 67, 68, and 69, Applicants assert that these Claims are allowable as depending from allowable Claims (Claim 1, Claim 17 and allowed Claim 26, respectively) and on their own merits.

New Claims 67 and 68, in addition to finding patentability in Claims 1 and 17 respectfully, each further recite "wherein an element of said shock absorber is adapted and configured to be spaced from, and to extend over, at least a portion of such trim element and a portion of such door jamb" which none of the references of record, separate or combined, teach or suggest. Allowance of Claims 67 and 68 is thus respectfully requested.

New Claim 69 depends from allowed Claim 26. Accordingly, Claim 69 is properly allowable as depending from allowed Claim 26 and allowance of Claim 69 is respectfully requested.

Allowed Claim 40 has been amended at subparagraph (c) to eliminate unnecessary verbiage, while retaining recitation of a resiliently cushioning nose member.

Allowed dependent Claim 41 has been amended to recite that forces are transferred away from such first and second outer corners. Support for such amendment is found in the application as originally filed at, for example, FIGURE 5, and at page 21 lines 6-11.

Applicants thus submit that all claims as presented herein are allowable over all references of record. Allowance of all claims is respectfully solicited.

A check in the amount of \$25 is enclosed to cover the fee of one additional dependent Claim. Should any other fee be properly due, or if any refund is due, kindly charge same, or credit any overpayment, to Deposit Account 23-2130.

Respectfully submitted,
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IN THE DRAWINGS

The attached sheet of drawings, labeled as REPLACEMENT 13/13, includes FIGURE 12, in addition to FIGURE 11. This sheet, REPLACEMENT 13/13, which includes both FIGURES 11 and 12, replaces the original sheet 13/13 which included only FIGURE 11.

Attachment: Replacement Sheet (REPLACEMENT 13/13)